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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,733	06/29/2001	Eric B. Remer	P 280356 P10199	3347
27496	7590	06/03/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN LLP 725 S. FIGUEROA STREET SUITE 2800 LOS ANGELES, CA 90017			PATEL, NIKETA I	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,733

Applicant(s)

REMER, ERIC B.

Examiner

Niketa I. Patel

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 17-25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17-25 and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Fritz Fleming
FRITZ FLEMING
PRIMARY EXAMINER
GROUP 2100

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 7, 10-18, 20, 22-27 and 29-30 rejected under 35 U.S.C. 102(e) as being anticipated by Cochran et al. U.S. Patent Application Publication No.: 2002/0161867 A1, hereinafter '*Cochran*.'

3. **Referring to claims 1, 7, 14, 17-18, 24, 29, *Cochran*** teaches configuring a headless device: sending, by a self-initiated configuration mechanism in the headless device, a configure service request to a configuration service mechanism across network, the service request asking for a configuration specification corresponding to the headless device [see paragraphs 37, 39]; receiving from the configuration service mechanism, the configuration specification to the self-initiated configuration mechanism [see paragraph 39]; and configuring, by the self-initiated configuration mechanism, the headless device according to the configuration specification received from the configuration service mechanism [see paragraph 39.]

4. **Referring to claim 2, *Cochran*** teaches registering the headless device, prior to the sending, with the configuration service mechanism using a device identification of the headless device [see paragraph 37.]

Art Unit: 2182

5. **Referring to claim 3**, *Cochran* teaches receiving, by the configuration service mechanism from a configuration specification setup mechanism, a request to set up the configuration specification of the headless device, the request including the device identification [see paragraphs 37, 39]; recording the device identification of the headless device to register the headless device [see paragraphs 37, 39]; and storing the configuration specification of the headless device [see paragraphs 37, 39.]

6. **Referring to claims 10, 30**, *Cochran* teaches receiving a request from a headless device with a device identification associated with the headless device [see paragraphs 37, 39]; initializing a configuration specification of the headless device, if the request requests to set up an initial configuration specification of the headless device with the configuration service [see paragraphs 37, 39]; updating the configuration specification of the headless device, if the request requests to update the current configuration specification of the headless device [see paragraph 40]; and forwarding the configuration specification of the headless device to a routable address received with the request, if the request requests a configuration service [see paragraphs 37, 39.]

7. **Referring to claim 11**, *Cochran* teaches wherein the initializing comprises: registering the headless device using the device identification [see paragraphs 37, 39]; setting up the initial configuration specification of the headless device [see paragraphs 37, 39]; and storing the initial configuration specification of the headless device as the current configuration specification of the headless device [see paragraphs 37, 39.]

8. **Referring to claim 12**, *Cochran* teaches wherein the updating comprises: updating the current configuration specification of the headless device to generate an updated configuration

Art Unit: 2182

specification of the headless device [see paragraph 40]; and replacing the current configuration specification with the updated configuration specification [see paragraph 40.]

9. **Referring to claim 13**, *Cochran* teaches wherein the forwarding comprises: retrieving the configuration specification of the headless device using the device identification [see paragraphs 37, 39]; and sending the configuration specification, retrieved by the retrieving, to the routable address [see paragraphs 37, 39.]

10. **Referring to claim 15**, *Cochran* teaches wherein the headless device comprises: a communication mechanism for perform communications across the network [see paragraphs 37, 39]; and a self-initiated configuration mechanism for configuring the headless device using a configuration specification that is set up for the headless device in the configuration service mechanism and received, upon a request, from the configuration service mechanism via the communication mechanism [see paragraphs 37, 39.]

11. **Referring to claim 16**, *Cochran* teaches further comprising: a configuration specification set up mechanism connecting to the configuration service mechanism via the network for setting up the configuration specification of the at least one headless device, the setting up including initializing a configuration specification of a headless device when the headless device is initially registered with the configuration service mechanism and updating the configuration specification of a headless device that is previously registered with the configuration service mechanism [see paragraph 40.]

12. **Referring to claim 20**, *Cochran* teaches wherein the configuration specification retrieval mechanism comprises: a request initiation mechanism for initiating a request to the configuration service mechanism to retrieve the configuration specification based on the device identification,

Art Unit: 2182

the request being sent with the device identification and the routable address, to where the retrieved configuration specification is sent [see paragraphs 37, 39]; and a receiver for receiving, after the request is sent, the configuration specification from the configuration service mechanism [see paragraphs 37, 39.]

13. **Referring to claim 22**, *Cochran* teaches a configuration service mechanism, comprising: a registration mechanism for registering a headless device with an initial configuration specification using a device identification corresponding to the headless device [see paragraphs 37, 39]; an on-line configuration mechanism for providing configuration service to a headless device by retrieving and sending, upon a request, the configuration specification of a registered headless device to a specified routable address [see paragraph 40]; and an updating mechanism for facilitating the update of the configuration specification of a registered headless device [see paragraphs 40.]

14. **Referring to claim 23**, *Cochran* teaches a network communication mechanism for performing communications [see paragraphs 37, 39]; and a configuration specification storage for storing the configuration specification of a headless device, the configuration specification being accessed based on the device identification of the headless device [see paragraphs 37, 39.]

15. **Referring to claim 25**, *Cochran* teaches wherein the program further causes, when executed: receiving, prior to the sending, a request to register the headless device and its corresponding configuration specification using a device identification sent with the request [see paragraphs 37, 39]; recording the device identification of the headless device [see paragraphs 37, 39]; and storing the configuration specification of the headless device [see paragraphs 37, 39.]

Art Unit: 2182

16. Referring to claim 26, *Cochran* teaches wherein the returning comprises: receiving the configuration service request with a device identification and a routable address [see paragraphs 37, 39]; retrieving the configuration specification based on the device identification [see paragraphs 37, 39]; and sending the configuration specification, retrieved by the retrieving, to the routable address [see paragraphs 37, 39.]

17. Referring to claim 27, *Cochran* teaches a computer-readable medium encoded with a program for self-initiated configuration, the program causing, when executed: determining a routable address [see paragraphs 37, 39]; requesting a configuration service mechanism to retrieve a configuration specification of a headless device according to a device identification of the headless device and to send the configuration specification to the routable address [see paragraphs 37, 39]; receiving the configuration specification, retrieved using a device identification and sent from the configuration service mechanism to the routable address [see paragraphs 37, 39]; and configuring the headless device according to the configuration specification [see paragraphs 37, 39.]

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Cochran et al.*

U.S. Patent Application Publication No.: 2002/0161867 A1, hereinafter '*Cochran*.'

Art Unit: 2182

20. **Referring to claim 21**, *Cochran* teaches a headless device, comprising: a communication mechanism for performing communications and a self-initiated configuration mechanism for configuring the headless device via a configuration service mechanism through the communication mechanism [see paragraphs 37, 39] however, does not set forth the limitation of a time out mechanism for controlling the receiver to receive the configuration specification within a length of time determined according to a time out condition.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well know in the computer art to get the advantage of saving system resources by setting a time out condition on receiving configuration specification to prevent the receiver form falling into an infinite wait-state loop. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include of a time out mechanism for controlling the receiver to get this advantage.

21. Claims 4-6, 8-9, 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cochran et al. U.S. Patent Application Publication No.: 2002/0161867 A1, hereinafter '*Cochran*' as applied to claims 1, 7, 17, 27 above, and further in view of Lindbo et al. U.S. Patent Application Publication No.: 2004/0068576 A1, hereinafter '*Lindbo*.'

22. **Referring to claims 4, 8, 19, 28**, *Cochran* teaches requesting, requesting a routable address form a DHCP server and requesting the configuration from the configuration service mechanism using the device identification, that is to be used to identify the configuration specification, and the routable address, to where the configuration specification of the headless device is to be returned [see *Cochran* paragraphs 6, 32, 33 37, 39], however does not set forth the

Art Unit: 2182

limitation of selecting if the routable address can not be retrieved from the DHCP server, an alternative routable address from at least one alternative routable address stored in an alternative routable address storage in the headless device. *Lindbo* teaches to maintain a list of alternative address in order to allow a requested to be routed to its detonation in an event of primary route failure [see *Lindbo* paragraph 27.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for system of *Cochran* to be use an alternate address in order to provide alternative routes in an event of the primary route failure. It is for this reason that one of ordinary skill in the art would have been motivated to implement *Cochran's* system with the ability to use an alternate address in order to provide alternative routes in an event of the primary route failure.

23. **Referring to claim 5**, *Cochran* as modified by the teachings of *Lindbo*, supra, teaches receiving the configuration service request with the device identification and the routable address or the alternative routable address [see *Cochran* paragraphs 37, 39]; retrieving the configuration specification based on the device identification [see *Cochran* paragraphs 37, 39]; and sending the configuration specification, retrieved by the retrieving, to the routable address or the alternative routable address [see *Cochran* paragraphs 37, 39.]

24. **Referring to claim 6**, *Cochran* as modified by the teachings of *Lindbo*, supra, teaches receiving a request to update the existing configuration specification of a headless device, the request including a device identification of the headless device [see *Cochran* paragraphs 37, 39]; and updating the existing configuration specification of the headless device according to the request to generate updated configuration specification [see *Cochran* paragraph 40]; and

Art Unit: 2182

replacing the existing configuration specification with the updated configuration specification [see *Cochran* paragraphs 37, 39.]

25. Referring to claim 9, *Cochran* as modified by the teachings of *Lindbo*, supra, teaches a headless device, comprising: a communication mechanism for performing communications and a self-initiated configuration mechanism for configuring the headless device via a configuration service mechanism through the communication mechanism [see *Cochran* paragraphs 37, 39] however, does not set forth the limitation of activating a time out mechanism that enforces a time out control according to a time out condition, the time out condition defining a length of time; if the configuration specification is not received within the length of time and if the alternative routable address is determined by the selecting, returning to the selecting; and if the configuration specification is not received within the length of time and if the routable address is determined by the server, returning to the requesting the configuration specification. However, does not set forth the limitation of a time out mechanism for controlling the receiver to receive the configuration specification within a length of time determined according to a time out condition.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well know in the computer art to get the advantage of saving system resources by setting a time out condition on receiving configuration specification to prevent the receiver form falling into an infinite wait-state loop. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include of a time out mechanism for controlling the receiver to get this advantage.

Response to Arguments

26. Applicant's arguments filed 3/17/2005 have been fully considered but they are not persuasive. The applicant argues that the Cochran reference does not disclose that a headless device sends a configuration service request to the configuration service mechanism across the network (at pages 12-14 and 16-18.) The Examiner respectfully disagrees with this argument. *Cochran* teaches a mechanism which allows a headless device to send a configuration service request to the configuration service mechanism across the network, at paragraph 39. *Cochran* teaches that the computing device 14 (i.e. one of the headless devices) may initiate the device configuration assembly 12.

27. Applicant's arguments with respect to claim 4, 8, 19, 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner would like to draw the applicant's attention to the ***Frazier Patent*** (No. US 6,895,499 B1) column 8, lines 55-62.

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2182

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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05/27/2005


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